IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LONNIE BUTTS,	**:**	
	:	
Plaintiff	**:**	
	:	
VS.	**:**	**CIVIL ACTION NO.: 7:08-CV-7-HL**
	:	
Officer BATES, et. al.,	**:**	
	:	
Defendants	**:**	

ORDER

Plaintiff **LONNIE BUTTS** has filed a Motion for Leave to Proceed *in forma pauperis* on Appeal [Doc. 84] from this Court's September 8, 2011 Order [Doc. 80], which adopted the Recommendation of the United States Magistrate Judge and granted summary judgment in favor of Defendants. In the Court's best judgment, an appeal from that Order cannot be taken in good faith. See 28 U.S.C. § 1915(a)(3). Thus, having been carefully considered, Plaintiff's Motion to Proceed *in forma pauperis* on Appeal is **DENIED**. For the same reason, Plaintiff's pending Motion for the Appointment of Counsel on Appeal [Doc. 85] is also **DENIED**.

If Plaintiff wishes to proceed with his appeal, he must pay the entire $ 455.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the $ 455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to §1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the $ 455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds $10.00 until the total filing fee of $455.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated.

SO ORDERED AND DIRECTED this 25th day of October, 2011.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

jlr